

## **REMARKS/ARGUMENTS**

The Applicants originally submitted Claims 1-28 in the application. Previously, the Examiner indicated that Claims 15-28 were allowable and the Applicants cancelled Claims 1-14 without prejudice or disclaimer and amended Claims 15, 17-18, 22 and 24-25. In the present Examiner's Action, the Examiner has rejected Claims 15-28 based on a new reference. In response, the Applicants have not added, canceled or amended any claims. Accordingly, Claims 15-28 are currently pending in the application.

### **I. Rejection of Claims 15-21 under 35 U.S.C. §102**

The Examiner has rejected Claims 15-21 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,240,128 to Banerjea, *et al.* The Applicants respectfully disagree.

Banerjea is directed to echo cancellers employed in modems. (*See* column 1, lines 4-5.)

Banerjea teaches a first echo canceller 105 that provides primary echo canceling on a receive path before equalization and a second echo canceller 118 that provides post equalization echo canceling on the receive path. (*See* column 2, lines 11-18, column 4, lines 16-19 and lines 40-43, and Figure 1.) Banerjea does not teach, however, a bit pump including an echo canceling system having a master echo canceling stage that modifies a filter coefficient employed by a slave echo canceling stage as recited in independent Claim 15. Instead, the coefficients for each of the echo cancellers 105, 118, are updated via error signals that are supplied to the echo cancellers 105, 118, from combining units 113, 124, respectively. (*See* column 4, lines 22-26, column 6, lines 23-27 and Figure 1.) Thus, Banerjea does not teach master and slave echo canceling stages.

Banerjea, therefore, does not disclose each element of independent Claim 15 and is not an anticipating reference of Claim 15 and Claims dependent thereon. Accordingly, the Applicants respectfully request the Examiner to withdraw the §102 rejection with respect to Claims 15-21 and allow issuance thereof.

## **II. Comment on Common Ownership**

The Examiner relies on Banerjea in a 35 U.S.C. §103(a) rejection of Claims 22-28. Banerjea was filed before and issued after the present Application was filed and, therefore, is considered a 35 U.S.C. §102(e) reference. The present Application was filed on August 29, 2000, which is after November 29, 1999. Accordingly, Banerjea is disqualified as a reference under 35 U.S.C. §103(c) since the present Application and Banerjea, at the time the invention of the present Application was made, were owned by Lucent Technologies Inc. Evidence of the same ownership is demonstrated by the chain of titles filed with this response. Additionally, the assignment history of Banerjea and the present application has been filed at reel/frame 9253/0914 and 011331/0940, respectively.

## **III. Rejection of Claims 22-28 under 35 U.S.C. §103**

The Examiner has rejected Claims 22-28 under 35 U.S.C. §103(a) as being unpatentable in view of Banerjea. As stated above, however, Banerjea is not prior art. Banerjea, therefore, does not provide a *prima facie* case of obviousness of independent Claim 22 and Claims dependent thereon. Accordingly, the Applicants respectfully request the Examiner withdraw the rejection of Claims 22-28 under 35 U.S.C. §103(a) and issue allowance thereof.

#### IV. Conclusion

In view of the foregoing remarks, the Applicants now see all of the Claims currently pending in this application to be in condition for allowance and therefore earnestly solicit a Notice of Allowance for Claims 15-28.

The Applicants request the Examiner to telephone the undersigned attorney of record at (972) 480-8800 if such would further or expedite the prosecution of the present application.

Respectfully submitted,

HITT GAINES, PC

A handwritten signature in black ink, appearing to read "J. Joel Justiss", written in a cursive style.

J. Joel Justiss  
Registration No. 48,981

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P.O. Box 832570  
Richardson, Texas 75083  
(972) 480-8800